

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re

EARL SIMMONS,

Debtor.

Case No. 13-23254 (RDD)
(Chapter 11)

AMENDED ORDER DISMISSING CHAPTER 11 CASE WITH A BAR TO REFILING

Upon the motions of (a) the United States Trustee, dated October 18, 2013 (Doc. No. 32), and (b) Amusing Diversions, Inc., dated October 9, 2013 (Doc. No. 34) (the “Motions”), for an order under 11 U.S.C. § 1112(b) dismissing or converting this case; and there being due and sufficient notice of the Motions; and upon the objections thereto by the above debtor (the “Debtor”), by his counsel; and upon the record of the hearing held by the Court on the Motions on November 8, 2013, at which counsel for the Debtor did not object to the relief granted herein; and, after due deliberation, the Court having found and concluded, based on the Debtor’s failure to comply with numerous basic requirements imposed on a debtor by the Bankruptcy Code and Bankruptcy Rules not only in this case but in his prior cases, that (a) sufficient cause exists to dismiss or convert this case, (b) the dismissal of this case on the terms of this Order, rather than its conversion to a case under Chapter 7 of the Bankruptcy Code, is in the interests of creditors, and (c) this case should be dismissed with a material bar to the commencement of another case under the Bankruptcy Code in any jurisdiction, it is hereby

ORDERED, that the Motions are granted as provided herein; and it is further

ORDERED, that this case commenced under Chapter 11 of the Bankruptcy Code is dismissed pursuant to 11 U.S.C. § 1112(b); and it is further

ORDERED, that the Debtor is barred from filing for relief under any chapter of the Bankruptcy Code in any jurisdiction until **May 11, 2015**; and it is further

ORDERED, that the Debtor pay to the United States Trustee the appropriate sum required pursuant to 28 U.S.C. § 1930 within ten days of the entry of this Order and simultaneously provide to the United States Trustee an appropriate affidavit indicating the cash disbursements for the relevant period.

Dated: White Plains, New York
November 12, 2013

/s/Robert D. Drain
HONORABLE ROBERT D. DRAIN
BANKRUPTCY JUDGE